

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr46

UNITED STATES OF AMERICA

vs.

CURTIS ARNOLD (2)

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for correction of his presentence report based on amendments to the United States Sentencing Guidelines. (Doc. No. 61).

The defendant contends that his criminal history should be calculated differently based on changes to the guidelines relating to the scoring of minor offenses and related cases. (Doc. No. 61 at 1-2). The defendant is not entitled to relief because the Amendment 709 is not retroactive. United States v. Wood, 526 F.3d 82, 88 (3d Cir. 2008); United States v. Cofield, 259 Fed. Appx. 575, 576 (4th Cir. 2007); USSG §1B1.10(c) (2008).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

Signed: August 14, 2008



Robert J. Conrad, Jr.  
Chief United States District Judge

